

sec. 1-4-10. **Wastewater** treatment permits.

All **wastewater** treatment permits must **be** obtained prior to the issuance of any permit provided by this chapter.

(Ord. No. 62, § 11, 4-1-85)

Cross references-Wastewater, Ch. 1-13; licenses and business regulations, Ch. 1-5.

Sec. 1-4-11. Setting schedule of fees for development permits.

The board of commissioners is empowered **to** set a schedule of fees for development permits and for services to be rendered under this chapter. Such fee schedule may **be** set by resolution and may be amended at any time.

(Ord. No. 62, § 12, 4-1-85)

Secs. 1-412-1-4-26; Reserved.

ARTICLE II. FLOOD DAMAGE PREVENTION'

DMSION 1. GENERALLY

Sec. 1-4-26. **Title.**

This article **shall** be known as the "flood damage prevention ordinance" and may be so cited.

(Ord. No. 62, § 10, 4-1-85)

Sec. 1-4-27. Definitions.

Unless specifically defined below, words or phrases used in this article shall **be** interpreted so as to give them the meaning they have in common usage and to **give** this article its most reasonable application.

Addition (to an misting building) shall **mean** any walled and roofed expansion to the perimeter of a building in which the addition is **connected** by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated **by** independent perimeter **load-bearing** walls is new construction.

Appeal shall mean a request for a review of the local administrator's interpretation of any provision of this article or a request for a variance.

*Editor's note-An ordinance of **March 2, 1987**, repealed § 1-4-27 et seq., deriving from Ord. No. 62, adopted April 1, 1985. At the editor's discretion, the provisions enacted by the March 2, 1987, ordinance have been **codified as** a new Art. II, § 1-4-26 having been retained.

Related law **reference—Special** acts, erosion control; title to land, § 2-5-1 et seq.

State law **reference—Coastal** Area Management Act of 1974, G.S. § 113A-100 et seq.

Area of shallow flooding shall mean a designated **AO** or **VO zone** on a community's flood insurance rate map (FIRM) with **base** flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard shall mean the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.

Base flood shall **mean** the flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement means that lowest level or story which has its floor **subgrade** on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under **specific** lateral loading forces without causing **damage** to the elevated portion of the building or the supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. A wall with loading resistance of more than twenty (20) pounds per square foot requires an architect's or professional engineer's certificate.

Building shall mean any structure built for support, shelter or enclosure for an occupancy or storage.

Coastal high hazard area shall mean the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone W-30, **VE** or **V**.

Development shall mean any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

Elevated building means a **nonbasement** building built to have the lowest floor elevated above the **ground** level by means of **fill**, solid foundation, perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Existing manufactured home park or manufactured home subdivision shall mean a parcel, or contiguous parcels, of land divided into two (2) or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is **to be affixed**, including at a **minimum**, the installation of utilities, either final site grading **or** the pouring of concrete pads, and the construction of streets, is completed before May 15, 1985.

Expansion to an existing **manufactured home park** or subdivision means the preparation of additional sites by the construction of facilities for servicing the **lots** on which the **manufactured** homes are to be **affixed**, including the installation of utilities, the construction of streets and either **final** site grading or the pouring of concrete pads.

Flood or flooding shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood hazard boundary map (FHBM) shall mean an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood insurance rate map (FIRM) shall mean an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study shall mean the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary-floodway map and the water surface elevation of the base flood.

Floodway shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor shall mean the top surface of an enclosed area in a building, including basement, i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Highest adjacent grade shall mean the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this article.

Manufactured home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without permanent foundation when attached to the required utilities. The term manufactured home does not include a recreational vehicle.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or **more** manufactured home lots for rent or sale.

Mean sea **level** shall **mean** the average height of the sea for all stages of the tide. It is used as reference for establishing various elevations within the floodplain. For purposes of the article, the term is synonymous with **National** Geodetic Vertical Datum (**NGVD**).

National Geodetic Vertical Datum (NGVD), as corrected in 1929, shall mean a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction shall mean structures for which the start of construction commenced on or after May 1, 1985.

New **manufactured** home **park** or subdivision means a manufactured home park or subdivision for which the construction or facilities for servicing the lots on which the manufactured homes **are** to be affixed (**including** at a minimum the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after May 15, 1985.

Recreational vehicle means a vehicle which is (a) built on a single chassis; (b) four **hundred** (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self propelled or **permanently towable** by a light duty **truck**; and (d) **designed** primarily not for use as a permanent dwelling but as a temporary living quarters for **recreational**, camping, travel or seasonal use.

Remedy a **violation** means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to **reduce** the impacts of its noncompliance. Ways that impact may be reduced include protecting the structure or other **affected** development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring **future** similar violations, or reducing federal financial exposure with regard to the structure or other development.

Sand dunes shall mean naturally occurring accumulations of sand in ridges or mounds **landward** of the beach.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)), includes substantial improvement, and means the date the building permit was **issued**, provided the actual start of construction, repair, reconstruction, or improvement was within one **hundred** eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land **prepara-**

tion, such as clearing, grading **and filling**; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor **does** it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure shall mean a walled and roofed building that is principally above ground, a mobile home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

Substantial damage means damage to any origin **sustained** by a **structure** whereby the cost of restoring the structure to its **before.damaged** condition would equal or exceed **fifty** (50) percent of the market value of the structure before the **damage** occurred.

Substantial improvement shall mean any repair, reconstruction, or improvement of a structure, within any twelve-month period, the cost of which equals or exceeds **fifty** (50) percent of the market value of the structure, either:

- (1) Before the improvement or repair is started, or
- (2) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing **state** or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions, or
- (2) Any alteration of a **structure** listed on the National Register of **Historic** Places or a **state inventory** of historic places.

Variance is a grant of relief to a Person from the requirements of this article which permits construction in a manner otherwise prohibited by this article where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain **management** regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in divisions 2 and 3 is **presumed** to be in violation until such time as that documentation is provided.

(Ord. of 3-2-87, Art. 2; Ord. of **11-19-90**)

Cross reference-Definitions and rules of construction generally, § 1-1-2.

Sec. **1-4-28**. Penalties for violation.

Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of

variance or special exceptions, shall constitute a misdemeanor. Any person who violates this article or fails **to** comply with any of **its** requirements shall, upon conviction thereof, be fined not more than fifty dollars (\$50.00) or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this article shall **pre-**vent the county from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. of 3-2-87, Art. 3, § H)

Cross references—General penalty; continuing violations, § 1-1-11.

Sec. 1-4-29. Statutory authorization.

The legislature of the state has in the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of **its citizenry**.

(Ord. of 3-2-87, Art. 1, § A)

State law **references**—General ordinance-making power, G.S. § 153A-121; Coastal Area Management Act of 1974, G.S. § 113A-100 et seq.

Sec. 1-4-30. **Compliance.**

No structure or land shall be **located, extended, converted** or structurally altered without full compliance with the terms of this article and other applicable regulations.

(Ord. of 3-2-87, Art. 3, § D)

Sec. 1-4-31. Abrogation and greater **restrictions**.

This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article and other conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. of 3-2-87, Art. 3, § E)

Sec. 1-4-32. Finding of fact.

(a) The flood hazard **areas** of the county are subject to periodic inundation which results in loss of life, **property**, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, **all** of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood **hazard** areas by uses vulnerable to floods or **hazardous** to other lands which are inadequately elevated, floodproofed, or otherwise unprotected **from** flood damages.

(Ord. of 3-2-87, Art. 1, § B)

sec. 1.4-33. statement of **purpose.**

It is the purpose of this article to promote the public **health**, safety and general welfare and to minimize public and private losses due to **flood** conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or **erosion** hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to **floods**, including facilities which serve such **uses**, be **protected** against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural **protective** barriers which are involved in the accommodation of **flood** waters;
- (4) Control **filling**, grading, dredging and other development which may increase erosion or flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase **flood hazards** to other lands.

(Ord. of 3-2-87, Art. 1, § C)

Sec. 1-4-34. **Objectives.**

The objectives of this article are **to**:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood-control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable **tax** base by providing for the sound use and **development** of floodprone areas in such a manner as to minimize future flood blight areas;
- (7) Ensure that potential home buyers are notified that property is in a flood area.

(Ord. of 3-2-87, Art. 1, § D)

Sec. 1-4-36. Lands to which this article applies.

This article shall apply to all areas of special **flood** hazard within the jurisdiction of the county.

(Ord. of 3-2-87, Art. 3, § A)

Sec. 1-4-36. Interpretation.

In the interpretation and application of this article all provisions shall **be**:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the board of commissioners;
- (3) Deemed neither **to** limit nor repeal any other powers granted under state statutes.

(Ord. of 3-2-87, Art. 3, § F)

Sec. 1-4-37. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study, dated May 15, 1986, with accompanying maps and other supporting data, **and** any revision thereto are adopted by reference and declared to be a part of this article.

(Ord. of 3-2-87, Art. 3, § B)

Sec. 1-4-38. Development permit required.

A development permit shall be **required** in conformance with the provisions of this article prior **to** the commencement of any development activities.

(Ord. of 3-2-87, Art. 3, § C)

Sec. 1-4-39. Warning and disclaimer or liability.

The **degree** of flood protection required **by this article is considered reasonable** for **regulatory purposes** and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood **heights** may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the county or by any **officer** or employee thereof for any flood damages that result **from** reliance on this article or any administrative decision lawfully made pursuant to this article.

(Ord. of 5-2-87, Art. 3, § G)

Secs. 1-4-40-1-4-60. Reserved.

DIVISION 2. ADMINISTRATION

Sec. 1-4-51. Designation of director of the building inspections department as administrator.

The director of the **building inspections** department is hereby appointed to administer and implement the provisions of this article.

(Ord. of 3-2-87, Art. 4, § A; Ord. of 12-3-92, § 1)

Sec. 1-4-62. Permit procedures.

Application for a development permit shall be made to the local administrator on forms furnished by him, prior to any development activities, and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures; and the location of fill, materials storage areas, and drainage facilities. Specifically, the following information is required:

- (1) Where base flood elevation data is provided in accordance with section 1-4-53 the application for a development permit within the Zone A on the flood insurance rate map shall show:
 - a. The elevation (in relation **to** mean sea level) of the lowest floor (including basement) of all new and substantially improved **structures, and**
 - b. If the structure **has** been floodproofed in accordance **with** section 1-4-67 the **elevation** (in relation to mean sea level) to which the structure was **floodproofed**.
- (2) Where the base flood elevation data **is** not provided the application for a **development** permit must show construction of the lowest floor at least two (2) feet above the highest adjacent grade.
- (3) Where any watercourse **will** be **altered** or relocated **as** a result of proposed **development**, the application for a development permit shall include a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-**carrying** capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.
- (4) When a structure is floodproofed, the applicant shall provide a certificate from a registered **professional** engineer or architect that the nonresidential **floodproofed** structure meets the **floodproofing** criteria in section 1-4-67(12).
- (5) A floor elevation or floodproofing certification after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. Within twenty-one (21) calendar days of establishment of the lowest floor **elevation**, or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit **to** the local administrator a **certification** of the elevation of the lowest floor, or floodproofed elevation or the elevation of the bottom of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. The certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When **floodproofing** is utilized for a particular building, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the **twenty-one-day** calendar period and prior to submission of the certification shall be at the permit holder's risk.

The local administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review **shall** be corrected by the **permit** holder immediately and prior to further progressive work being permitted **to** proceed. Failure to submit the survey or failure to make the corrections required by this section shall be cause to issue a stop-work order for the project.

(Ord. of 3-2-87, Art. 4, § B)

Sec. 1-4.63. **Duties** and responsibilities of the director of the building inspections department.

The duties of the director of the building inspections department shall include, but not be limited to:

- (1) **Reviewing** all development **permits** to ensure that the permit requirements of this article have been satisfied,
- (2) Advising the **permittee** that additional federal or state permits may be required, and if **specific** federal or state permits are known, requiring that copies of such permits be provided and **maintained** on **file** with the development permit;
- (3) Notifying adjacent **communities** and the state department of crime control and public safety-division of emergency management, state coordinator for the national flood ins-w program, prior to any **alteration** or relocation of a watercourse, and submitting evidence of **such** notification to the Federal Emergency Management Agency;
- (4) Ensuring that maintenance is provided **within** the altered or **relocated** portion of the watercourse **so** that the flood-carrying capacity is **not** diminished;
- (5) Preventing encroachments within floodways unless the certification and **flood** hazard reduction provisions of division 3 are met;
- (6) **Verifying** and recording the actual elevation, in relation to mean sea level, of the lowest floor, including basement, of **all** new or substantially improved structures, in accordance with section **1-4-52(5)**;
- (7) Verifying and recording the actual elevation in relation to mean sea level **to** which the **new** or substantially improved **structures** have been **floodproofed**, in accordance with section **1-4-52(5)**;
- (8) Obtaining certification for coastal **high** hazard areas from a registered professional engineer or architect that the structure is securely anchored **to** adequately anchored pilings or **columns** in order **to** withstand velocity waters and hurricane wave **wash**;
- (9) Reviewing plans in coastal **high** hazard areas for adequacy of breakaway walls in accordance with section **1-4-67(5)**;
- (10) Obtaining certification from a registered professional engineer or architect when **floodproofing** is utilized for a particular structure in accordance **with** section **1-4-67(5)**;
- (11) Making the necessary interpretation, where interpretation is needed as to the exact location of boundaries of the **areas** of special flood hazard, for example, where there

appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this division;

(12) Obtaining, reviewing and reasonably utilizing any base flood elevation data and floodway data available from federal, state or other source, in order to administer the provisions of division 3 of this article when base flood elevation data or floodway data has not been provided in accordance with this article.

(13) Maintaining all records pertaining to the provisions of this article in the director's office. All records shall be open for public inspection.

(Ord. of 3-2-87, Art. 4, § C; Ord. of 12-3-92, § 1)

Sec. 1-4-54. Administrative procedures, generally.

(a) **Inspections of work in progress.** As the work pursuant to a permit progresses, the local administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

(b) **Stop orders.** Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this article, the administrator may order the work to be immediately stopped. The stop order shall be in writing and directed to the person doing the work. The stop order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop order constitutes a misdemeanor.

(c) **Revocation of permits.** The local administrator may revoke and require the return of the development permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

(d) **Period inspections.** The local administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(e) **Violations to be corrected.** When the local administrator finds violations of applicable state and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall each immediately remedy the violations of law in the property he owns.

(f) **Actions in event of failure to take corrective actions.** If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him written notice, by certified or registered mail to his last known address or by personal service.

- (1) That the building or property is in violation of the flood damage prevention ordinance;
- (2) That a hearing will be held before the local administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
- (3) That following the hearing, the local administrator may issue such order to alter, vacate, or demolish **the building**; or to remove **fill** as appears appropriate.

(g) Order **to take corrective action.** If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the flood damage prevention ordinance, he shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than sixty (60) days, the administrator may prescribe; provided, that where the administrator **finds** that there is imminent danger **to** life or other property, he may order that corrective action be taken in such lesser period **as** may be feasible.

(h) Appeal. Any owner who has received an order to take corrective action may appeal from the order to the local **elected** governing body by giving notice of **appeal** in writing to the administrator and the clerk within ten (10) days following issuance of the **final** order. In the absence of an appeal, the order of the administrator shall **be final**. The local governing body shall hear an appeal within a reasonable time and may **affirm**, modify and **affirm**, or revoke the order.

(i) **Failure to comply with order.** If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall **be** guilty of a misdemeanor and shall be punished in the discretion of the court.

(Ord. of 3-2-87, Art. 4, § D)

Sec. 1-4-65. Variance procedures, appeals.

(a) The county board of adjustment shall hear and decide appeals and requests for variances from the requirements of this article.

(b) Any person aggrieved by the decision of the board of adjustment or any taxpayer may appeal such decision to the district court, as provided in the general statutes of the state.

(c) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places without regard to the procedures set forth in the remainder of this section.

(d) In passing upon such applications, the board of adjustment shall consider all technical **evaluations**, **all** relevant factors, all standards specified in other sections of this article, and the:

- (1) Danger that materials may be swept onto other lands to the injury of others;
- (2) Danger to life and property due to flooding or erosion damage;
- (3) **Susceptibility** of the **proposed** facility and its contents to flood damage and the effect of **such** damage on the individual owner;
- (4) Importance of the services provided by the proposed facility **to** the community;
- (5) Necessity to the facility of a waterfront location, where applicable;
- (6) Availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) Compatibility of **the** proposed use with existing and anticipated development;
- (8) Relationship of the proposed use **to** the **comprehensive plan** and floodplain management program for **that** area;
- (9) Safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) Expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site,
- (11) Cost of providing governmental services during and after flood conditions including **maintenance** and repair of public utilities and facilities **such as** sewer, **gas**, electrical and water systems, and streets and bridges.

(e) Upon consideration of the factors listed **above** and the purposes of this article, the board of adjustment may attach such conditions to the granting of variances **as** it deems necessary **to** further **the** purposes of this article.

(f) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(g) Conditions for variances:

- (1) Variances shall only be issued upon a determination that the variance is the minimum **necessary**, considering the flood hazard, to afford relief;
- (2) Variances shall only be issued upon:
 - a. A showing of **good** and sufficient cause;
 - b. A determination that **failure** to grant the variance would result in exceptional hardship to the applicant;
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats **to** public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing **local** laws or ordinances.

- (3) Any applicant to whom a variance is granted shall be given written notice specifying the **difference** between the base flood elevation and the elevation to which the structure is to **be** built and stating that the cost of flood insurance will be commensurate with the increased risk **resulting** from **the** reduced lowest floor elevation. Such notification shall be **maintained** with a record of all variance actions.

(h) The local administrator shall maintain the records of all appeal actions and report any variances to the federal emergency management agency upon request.

(Ord. of 3-2-87, Art. 4, § E; Ord. of 11-19-90)

Cross reference-Planning board, § 1-2-16 et seq.

Secs. 1-4-66-1-4-66. Reserved.

DMSION 3. **FLOOD** HAZARD REDUCTION

Sec. 1-466. **General** standards.

In all areas of special flood **hazard** the following provisions are **required**:

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of **over-the-top** or frame ties to ground anchors. This standard shall be in addition **to** and consistent with applicable state requirements for **resisting** wind forces.
- (3) All new construction and substantial improvements shall be constructed with **materials** and **utility** equipment **resistant** to flood damage.
- (4) All new construction or **substantial** improvements shall **be** constructed by methods and practices that **minimize** flood damage.
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as **to** prevent water from entering or accumulating within the components during conditions of flooding.
- (6) All new and replacement water supply systems shall be designed to minimize or eliminate **infiltration** of floodwaters into the system.
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate **infiltration** of floodwaters into the systems and discharges from the systems **into** floodwaters.
- (8) On-site waste **disposal** systems shall be **located** and constructed to avoid impairment to them or contamination from them during flooding.
- (9) Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this article shall meet the requirements of new construction as contained in this article.

(Ord. of 3-2-87, Art. 5, § A)

Sec. 1-4-67. **Specific** standards.

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in section 1-4-32 or section 1-4-53, the following provisions are required:

- (1) **Residential construction.** New construction or substantial improvement of **any** residential structure shall have the lowest floor, including basement, elevated no lower than one (1) foot above base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings **sufficient** to facilitate **the** unimpeded movements of **floodwaters** shall be provided.
- (1A) Manufactured homes that are placed or substantially improved with Zones Al-30, AH, and **AE** on Brunswick County FIRM on sites (1) outside of a manufactured home park or subdivision, (2) in a new **manufactured** home park or subdivision, (3) in an expansion to **an existing** manufactured home park or subdivision, or (4) in **an** existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as **the** result of a flood, shall be elevated on a permanent foundation such that the lowest floor or the **manufactured** home is to or above the base flood elevation and be securely **anchored to** an adequately anchored foundation system **to** resist flotation, collapse **and** lateral movement.
- (2A) Manufactured homes **to** be placed or substantially improved on sites in an existing manufactured home park **or** subdivision within Zones Al-30, AH and AE on Brunswick County **FIRM** that are not subject to the provisions of Section IA above shall be elevated so that either (1) the lowest floor of the manufactured home is at or above the base flood elevation, or (2) the manufactured home chassis is supported by reinforced piers or **other** foundation elements of at least equivalent **strength** that **are** no less than thirty-**& (36)** inches **in** height above grade **and** be securely anchored to an adequately **anchored** foundation system to resist flotation, collapse and lateral movement.
- (3A) Recreational vehicles placed on sites within Zones Al-30, AH, **and** AE on Brunswick County FIRM shall be either (1) **be** on the site for fewer than one hundred eighty (180) consecutive days, (2) be fully licensed **and** ready for highway use, or (3) meet the elevation and **anchoring requirements** for manufactured homes in section (1A) above. A recreational vehicle is ready for highway use **if it** is on its wheels or jacking system, is attached **to** the site only by quick disconnect type utilities and security devices **and** has no permanently attached additions.
- (4A) Manufactured homes placed or substantially improved within Zones V1-30, V **and** VE on Brunswick County FIRM on sites (1) outside of a manufactured home park or subdivision, (2) in a new manufactured home park or subdivision, (3) in an expansion to an existing **manufactured** home park or subdivision, or (4) in **an** existing **manu-factured** home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood shall meet the standards of Section **1A** above.

- (5A) Recreational vehicles placed on sites within **Zones V1-30, V, and VE** on Brunswick County FIRM either (1) be on the site for fewer than one hundred eighty (180) days, (2) be fully licensed and ready for highway use, or (3) meet the requirements of section (1A) above. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanent attached additions.
- (2) **Nonresidential construction.** New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including the basement, elevated no lower than one (1) foot above the level of the base flood elevation. Structures located in A zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight, with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section 1-4-52(3).
- (3) **Elevated buildings.** New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 1. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one (1) foot above grade; and,
 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - b. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - c. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

- (4) **Floodways. Located within areas** of special flood hazard established in section 1-4-37, are **areas** designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and has erosion potential, the following provisions shall apply:
- a. Encroachments, including **fill**, new construction, substantial improvements and other developments are prohibited unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
 - b. If section 1-4-67(4) is satisfied, **all** new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this division.
 - c. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of section 1-4-66(2), and the elevation standards of section 1-4-67(1) are met.
- (5) **Coastal high hazard areas (V Zones). Located within** the areas of **special** flood hazard established in section 1-P-37, are areas designated as **coastal high hazard** areas. These areas have special flood hazards associated with wave wash; therefore, the following provisions shall apply:
- a. All buildings or structures shall be located in conformance with the North **Caro**-lina Administrative Code as adopted by the North Carolina Coastal Resources Commission, **T15: 07H.0304**, as authorized by the General Statutes.
 - b. AU buildings or structures shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than one (1) foot above the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. **Open** lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with section 1-4-67(5)h.
 - c. All buildings or structures shall be securely anchored on pilings or columns.
 - d. AR pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the one-hundred-year mean recurrence interval (one (1) percent annual chance flood).
 - e. A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in subsection (5)b, c, and d.

- f. There shall be no **fill** used as structural support. Noncompacted **fill** may be used around the perimeter of a building for landscaping/aesthetic purposes provided the **fill** will wash out from storm surge, thereby rendering the building free of obstruction, prior to generating excessive loading forces, ramping effects, or wave deflection. The planning director **shall** approve design plans for landscaping/aesthetic **fill** only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, **which** demonstrates that the following factors have been fully considered:
 - 1. Particle composition of **fill** material does not have a tendency for excessive natural compaction;
 - 2. Volume and distribution of **fill** will not cause wave deflection to adjust properties; and
 - 3. Slope of **fill** will not cause wave run-up or ramping.
- g. There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage.
- h. Lattice work or decorative **screening** shall be allowed below the base **flood elevation provided** they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage **to** the **structural** integrity of the building on which they are to be **used** and provided the following design **specifications** are met:
 - 1. No solid walls shall be allowed.
 - 2. **Material** shall consist of wood or mesh screening only.
 - 3. Design safe loading resistance of each wall **shall** be not less than ten (10) nor more than twenty **(20) pounds** per square feet; or
 - 4. If more **than** twenty **(20)** pounds per square foot, a registered professional engineer or **architect** shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components during the base flood event. Maximum wind and water loading values to **be** used in this determination shall each have one **(1)** percent chance of being **equalled** or exceeded in any given year **(one-hundred-year mean recurrence interval)**.
- i. If aesthetic lattice work or screening is utilized, such enclosed space shall not be designed **to** be used for human habitation but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.
- j. Prior to construction, plans for any structures that will have lattice work or decorative **screening** must be submitted to the local administrator for approval.

- k. Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space **below** the lowest floor except with lattice work or decorative screening, as provided for in subsection (5)h. and i.
- l. The placement of manufactured homes (mobile homes) is prohibited except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of section **1-4-66(2)**, and the elevation standards of section **1-4-67(1)** are met.

(Ord. of 3-2-87, Art. 5, § B; Ord. of 11-19-90)

Sec. 1-4-68. Standards for streams without established base flood elevations or flood-
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Located within the areas of **special** flood hazard established in section 1437, where small streams exist but where no base flood data has been provided or where no floodways have been provided, the following provisions apply:

- (1) No encroachments, including **fill** material or structures shall be located within twenty (20) feet on each side from top of the bank, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) New construction or substantial improvements of structures shall be elevated or floodproofed in accordance with elevations established in accordance with section 1453. When base flood elevation data is not available from a **federal**, state or other source, the lowest floor, **including** basement, shall be elevated at least two (2) feet above the highest adjacent grade.

(Ord. of 3-2-87, Art. 5, § C)

Sec. 1-4-69. Standards for subdivision proposals.

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (b) All subdivision proposals which have public utilities and facilities such as sewer, gas, electrical and water systems shall have such systems located and constructed to minimize flood damage.
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (d) **Base** flood elevation data shall be provided by the applicant for subdivision proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres.

(Ord. of 3-2-87, Art. 5, § D)

Cross reference-Subdivision, app. A.

Sec. 1-4-70. Standards for areas of shallow flooding (AO zones).

Located within the areas of special flood hazard established in section I-4-37 are areas designated as susceptible to shallow flooding. These areas have special flood hazards **associ-**

ated with base flood depths of one **(1)** to three **(3)** feet where a clearly defined channel does not exist and where **the** path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is **specified**, the lowest floor, including basement, shall be elevated at least two **(2)** feet above the highest adjacent grade.
- (2) All new construction and substantial **improvements** of nonresidential structures **shall**:
 - a. Have the lowest floor, including basement, elevated to the depth number **speci-**lied on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be **ele-****vated** at least two **(2)** feet above **the** highest adjacent grade; or
 - b. Together with attendant utility and sanitary facilities be completely **floodproofed** to or above that level so that any space below that level is watertight with walls **substantially** impermeable to the passage of water and with structural components having **the** capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(Ord. of 3-2-87, Art. 5, § E)

secs. 1-4.71-1-4-80. Reserved.

ARTICLE III. UNIFORM PROPERTY ADDRESS AND ADDRESS DISPLAY*

Sec. 1-481. Purpose.

This article hereby establishes a formal program of placement of address number (**hereinafter** called the "program"). The purpose of the program is **(1)** to devise a systematic method of assigning numbers to real property locations **within** the County of Brunswick, and **(2)** to devise, administer, implement and enforce a program of visual identification of assigned address numbers in order to facilitate the response of emergency services and other public and private services to such real **properties**.

(Ord. of 8-5-91)

Sec. 1-4-82. Definitions.

[The following words and phrases shall have the meanings ascribed to them, except where the context clearly indicates a different **meaning**:]

*Editor's note-An ordinance adopted August 5, 1991, did not **specifically** amend this Code; hence, inclusion as Cb. **1-4**, Art. III was at the discretion of the editor.